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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,957	09/29/2000	David Ewing	001580-585	2926

7590

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/672,957

Applicant(s)

EWING, DAVID

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/28/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 11/12/03 have been fully considered but they are not persuasive.

A. Applicant argues (claim 1) that "Gibson does not disclose the steps of 'starting a timer, if the icon is found being within a visible portion of first one of said inactive windows' and 'displaying said first inactive window on the first display layer, if the icon is found to be held within a visible portion of said first inactive window until said timer is expired.'" (page 12, last 3 lines; page 13, lines 1-2).

In response, Gibson discloses drag and drop operations that are performable on selectable icons disposed on a visual display including a plurality of viewports (windows) that at least partially overlap (col. 3, lines 1-7, 25-35; col. 11, lines 21-58). Gibson teaches that the invention (program product) detects the movement of a visual indicator from a source viewport (active window) to a target viewport (inactive window), and instructions which automatically rearrange the plurality of viewports to raise the target viewport to a topmost position relative to all other viewports, thereby exposing previously obscured visual icons (col. 3, lines 19-24; col. 4, lines 1-22).

B. Applicant argues that "there is no indication in Gibson that a timer should be employed..." (page 13, last 3 lines; page 14, line 1).

In response, Gibson discloses programmed instructions that allow the user to temporarily prevent the automatic arrangement of the overlapping windows in order to maintain the windows in a particular stacked configuration (col. 3, lines 30-35; col. 4, lines 12-22), which suggests a timer.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by**

***David Chester Gibson (EP 0514307 A2).***

**Claims 1, 7, 13, 19, 25, and 26:**

Gibson discloses a method for manipulating a plurality of windows. Gibson teaches displaying a plurality of cascaded, open windows on a display to establish an original display layer order; the window on a first display layer is an active window and other inactive windows are partially hidden (abstract; col. 3, lines

1-7). The method receives an indication of an icon being selected and dragged (col. 3, lines 19-24, 37-50); it monitors the location of the icon (col. 3, lines 19-24, 53-58; col. 4, lines 1-11). Gibson teaches programmed instruction which the user to temporarily prevent the automatic arrangement of the overlapping windows in order to maintain the windows in a particular stacked configuration (which suggests a timer). Gibson teaches that the override function or automatic returning to the pre-drag-and-drop condition minimizes the possibility for confusion (col. 3, lines 25-35; col. 4, lines 12-22; col. 11, lines 31-58). Gibson illustrates in fig. 1 a computer system having a processor, a screen display, and a plurality of input devices (col. 5, lines 13-23).

Claims 2, 8, 14, and 20:

See claim 1. Gibson teaches a visual indication of the icon being manipulated (drag/drop), and returning all inactive windows to the original display layered order respectively (abstract; col. 3, lines 25-35; col. 4, lines 12-22; col. 11, lines 31-58).

Claims 3, 9, 15, and 21:

See claim 1. Gibson teaches receiving indication of a predetermined function key being pressed (col. 1, lines 38-52; col. 2, lines 38-49).

Claims 4, 6, 10, 12, 16, 18, 22, and 24:

See claim 2. Gibson teaches automatically returning all open windows to the

original display layered order after any operation by the user (col. 11, lines 21-58).

**Claims 5, 11, 17, and 23:**

See claim 3. Gibson teaches receiving an indication of a predetermined function key being pressed; and sending the window that gains the focus to the upmost position thereby overlapping the previously visible window (it sends the window on the first display to the bottom), (col. 2, lines 38-57).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

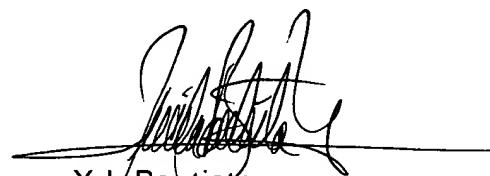
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2173

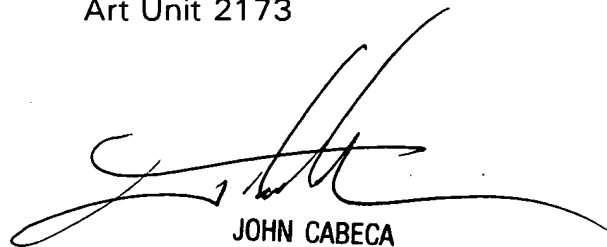
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X L Bautista  
Patent Examiner  
Art Unit 2173



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2105

xlb  
December 31, 2003